

**Department of Legislative Services**  
Maryland General Assembly  
2024 Session

**FISCAL AND POLICY NOTE**  
**Third Reader**

House Bill 989

(Prince George's County Delegation and Montgomery  
County Delegation)

Environment and Transportation

Education, Energy, and the Environment

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**Montgomery County – Subdivision Plats – Conditions PG/MC 111–24**

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This bill authorizes the Montgomery County Planning Board, or a designee of the board, to tentatively approve a subdivision plat subject to the completion of specified conditions. The tentative approval may not be entered on the subdivision plat or allow the subdivision plat to be filed or recorded. The board may not endorse a subdivision plat that is subject to specified conditions before all the conditions are completed. If the specified conditions in the tentative approval are completed, a postcompletion hearing before the board is not required before the subdivision plat is approved and submitted to the land records of Montgomery County.

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**Fiscal Summary**

**State Effect:** The bill does not directly affect State finances.

**Local Effect:** The bill is not expected to materially affect local government finances.

**Small Business Effect:** Minimal.

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**Analysis**

**Current Law:**

*County Planning Boards – Regional District*

The Maryland-National Capital Park and Planning Commission (M-NCPPC), established under Division II of the Land Use Article, serves various planning, zoning, development

review, and parks and recreation functions in Montgomery and Prince George's counties. M-NCPPC is a 10-member commission, consisting of 5 members from Montgomery County and 5 members from Prince George's County, with the commissioners from each county serving as the Montgomery County Planning Board and the Prince George's County Planning Board, respectively.

The planning boards must exercise, within each board's jurisdiction, the following powers: (1) planning; (2) zoning; (3) subdivision; (4) assignment of street names and house numbers; and (5) any related matter. These functions do not include the regional planning functions of the commission affecting the Maryland-Washington Regional District as a whole. The regional district consists of (1) the entire area of Montgomery County, subject to certain limitations (relating to certain municipalities not subject to the planning and zoning authority of the county, unless by agreement, and other municipalities that have certain, limited planning and zoning authority) and (2) the entire area of Prince George's County, except for the City of Laurel as it existed on July 1, 2013.

#### *Subdivision Plat Approvals – Regional District*

In general, a subdivision plat of land in the regional district may not be admitted to the land records of Montgomery or Prince George's counties, or received or recorded by the clerks of the courts of the respective county, unless (1) the plat has been submitted to and approved by the applicable county planning board and (2) the chair of the county planning board and the secretary-treasurer of the commission endorse an approval in writing on the plat.

The appropriate county planning board must approve or disapprove a subdivision plat within 30 days after the plat is submitted to the board. If the board does not take action within 30 days, the plat is considered approved. The board must hold a hearing before taking action on a subdivision plat, unless (1) the board approves the plat exactly as the plat was submitted or (2) the applicant waives the hearing requirement in the application. Subdivision regulations may include provisions for (1) notice to owners of properties that would be substantially affected by approval of a subdivision plat; (2) public hearings on the applications; and (3) an appeal to the district council from a decision approving or disapproving a subdivision plat.

Subdivision regulations may provide for tentative approval of a plat before improvements and installations; however, the tentative approval of a plat may not (1) be entered on the plat or (2) entitle the plat to be filed or recorded. Instead of requiring the completion of improvements or installation of utilities before the approval of a plat, the county planning board or county may accept security for the construction of improvements and installation of utilities at a time and according to specifications set by or in accordance with the

subdivision regulations. The county planning board or county may enforce the security by any appropriate legal or equitable remedy.

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### **Additional Information**

**Recent Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** None.

**Information Source(s):** Maryland-National Capital Park and Planning Commission; Judiciary (Administrative Office of the Courts); Maryland Department of Planning; Department of Legislative Services

**Fiscal Note History:** First Reader - March 7, 2024  
km/sdk Third Reader - March 18, 2024

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